

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. R-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is  
hereby designated a B-2-C (Metropolitan Shopping Center)  
District under the terms of Chapter 33 of the Code of the  
City of Fort Wayne, Indiana of 1974:

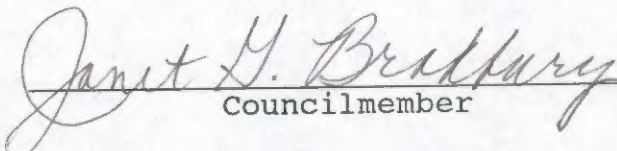
Lots 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33,  
34, 35, 36, 37, 38, 39, 40, 41 & 42 in Delta Heights  
Addition and addition to the City of Fort Wayne, Allen  
County, Indiana,

And,


The East 115.5 feet of Lot #26 in J. H. Feichter Garden  
View Addition, lying South of the center line of Forest  
Avenue extended, Easterly, according to the recorded  
plat thereof in Plat Book 7A, page 3. The North 689.5  
feet of Lot 26; the North 689.5 feet of the East 115.5  
feet of Lot #27; the North 475 feet of the West 49.5  
feet of Lot #27 and the North 475 feet of the East 133  
feet of Lot #28 in J.H. Feichter's Gardenview Addition.

and the symbols of the City of Fort Wayne Zoning Map No. R-  
14, as established by Section 11 of Chapter 33 of the Code  
of the City of Fort Wayne, Indiana are hereby changed  
accordingly.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage and approval by the  
Mayor.

  
Councilmember

APPROVED AS TO FORM AND LEGALITY:

  
J. TIMOTHY MCCAULAY, CITY ATTORNEY



Read the first time in full and on motion by Bradbury, seconded by Edmonds, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 4-10-90

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the ~~third~~ <sup>second</sup> time in full and on motion by Bradbury, seconded by Edmonds, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>7</u>			<u>2</u>
<u>BRADBURY</u>	<u>✓</u>			
<u>BURNS</u>	<u>✓</u>			
<u>EDMONDS</u>	<u>✓</u>			
<u>GIAQUINTA</u>	<u>✓</u>			
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>	<u>✓</u>			
<u>REDD</u>	<u>✓</u>			
<u>SCHMIDT</u>				<u>✓</u>
<u>TALARICO</u>				<u>✓</u>

DATED: 5-22-90

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 2-02-90 on the 22nd day of May, 1990

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Charles S. Red  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of May, 1990, at the hour of 11:00 o'clock A. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 29th day of May, 1990, at the hour of 4:30 o'clock P M., E.S.T.

PAUL HELMKE  
PAUL HELMKE, MAYOR

# RECEIPT

No 7291

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 3/15 19 90

RECEIVED FROM

Chester Bowman

\$ 100.00

THE SUM OF

one hundred &

00/100

DOLLARS

ON ACCOUNT OF

regional

# 7235

R-1-B/B to B2C

104B

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE



PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO.

7291

DATE FILED

3-15-90

INTENDED USE

Shopping Ctr

THIS IS TO BE FILED IN DUPLICATE

X/We Herbert F. W. & Esther Miller and Chester E. & Beverley J. Bowman

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RS-1 & B-1B District to a/an B-2C District the property described as follows:

Lots # 22,23,24,25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 & 42

in Delta Heights Addition an addition to the City of Fort Wayne, Allen County, Indiana

And,

The East 115.5 feet of Lot #26 in J. H. Feichter's Garden View Addition, lying

South of the center line of Forest Avenue extended, Easterly, according to the

recorded plat thereof in Plat Book 7A, page 3.

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Herbert F. A. & Esther Miller

c/o R. P. Miller, D.V.M.

P.O. Box 234 Brownsburg, IN 46112

206 Paine Webber Building

Fort Wayne, IN 46802

Chester E. & Beverley J. Bowman

Marilyn M. Scovill

Richard J. Scovill

P. O. Box 197

Fennville, Michigan 49408

(Name)

(Address)

Dianna K. Brandenburg

3710 Forest Ave., Fort Wayne, IN

(If additional space is needed, use reverse side.) 46805

(Signature)

Legal Description checked by

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

Chester E. Bowman

(Name)

206 Paine Webber Building

Fort Wayne, IN 46802

(Address & Zip Code)

(219) 426-4451

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

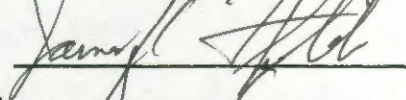
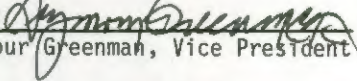
Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.



Legal Description of property to be rezoned.

The North 689.5 feet of Lot 26; the North 689.5 feet of the East 115.5 feet  
of Lot #27; the North 475 feet of the West 49.5 feet of Lot #27 and the North  
475 feet of the East 133 feet of Lot #28 in J. H. Feichter's Gardenview Addition.

Owners of Property

B.K. Ft. Wayne Properties	2118 Inwood Drive Fort Wayne, IN 46815	
McDonald's Corporation	5750 Castle Creek Parkway N Dr. Ste 400, Indianapolis, IN 46250	By:  Seymour Greenman, Vice President
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE  
This form is to be filed in duplicate.

NOTICE:  
FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST  
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.  
  
FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING  
FROM BEING HELD.



## RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 10, 1990 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-90-04-08; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 16, 1990.

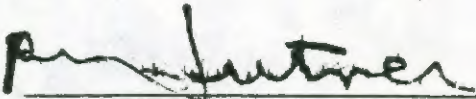
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 23, 1990.

Certified and signed this  
24th day of April 1990.

  
Robert Hutner  
Secretary



ORIGINAL

ORIGINAL

**DIGEST SHEET**

**TITLE OF ORDINANCE** Zoning Ordinance Amendment

**DEPARTMENT REQUESTING ORDINANCE** Land Use Management - C&ED

**SYNOPSIS OF ORDINANCE** All of Laverne Plaza plus the remainder of Lot 26

J H Feichter's Gardenview Addition and property south of the centerline of Forest Avenue in the 2400 Block of North Coliseum Blvd.

*2-90-04-08*

**EFFECT OF PASSAGE** Property is presently zoned R-1 - Single Family Residential, B-1-B - Limited Business District and B-2-A - Neighborhood Shopping Center District. Property will become B-2-C - Metropolitan Shopping Center District.

**EFFECT OF NON-PASSAGE** Property will remain zoned R-1, B-1-B and B-2-A.

**MONEY INVOLVED (Direct Costs, Expenditures, Savings)**

**(ASSIGN TO COMMITTEE (J.N.))**



**FACT SHEET**

Z-90-04-08

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

**APPROVAL DEADLINE****REASON**

From B2A, R-1 &amp; B1B to B-2-C

**DETAILS****Specific Location and/or Address**

The southwest corner of E State and  
Coliseum Blvd.

**Reason for Project**

Enlargement and unification of two existing  
shopping centers.

**Discussion (Including relationship to other Council actions)**

16 April 1990 - Public Hearing

See Attached Minutes of Meeting

23 April 1990 - Business Meeting

Motion was made and seconded to return  
the ordinance to the Common Council with  
a DO PASS recommendation.

Of the seven members present, six voted  
in favor of the motion, one did not vote.  
Motion carried.

NOTE: This is a planned shopping center  
development and any conditions will  
be placed on the development plans  
and not the rezoning.

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents****Applicant(s)**

Chester Bowman  
City Department

Other

**Opponents****Groups or Individuals**

Mary Gaskill, 3704 Forest Av  
Robert Stuck, 1725 Annette A

**Basis of Opposition**

- detriment to property valu
- would cause further  
commercial encroachment in  
area

**Staff  
Recommendation**

☒ For

☐ Against

Reason Against

**Board or  
Commission  
Recommendation****By**

☒ For

☐ Against

☐ No Action Taken

☐ For with revisions to conditions  
(See Details column for condition

**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**

☐ Pass

☐ Other

☐ Pass (as  
amended)

☐ Hold

☐ Council Sub.

☐ Do not pass



Change of Zone #427

From R-1, B-1-B & B-2-A to B-2-C

The southwest corner of State and Coliseum Blvd.

#### Primary Development Plan for East State Shopping Center

Chester Bowman, petitioner appeared before the Commission. Mr. Bowman stated that they were requesting the rezoning in order to improve the area and provide a more uniform and orderly development for this shopping center. He stated that the property along Coliseum Blvd., is not really usable any longer for residential development and by rezoning these lots along Coliseum it would provide them with access from Coliseum and provide a better traffic flow. He stated that Mrs. Brandenburg requested that her property along the Southeast corner of the existing center be included in the rezoning. He stated that they would use this property not only to help with the expansion of the center but it would also be used as a buffer zone to the residential properties on Forest Avenue. He stated that they felt the best and highest use for these properties would be commercial. He felt this rezoning would be an asset to the area and city.

Phil Knapke, 610 Lincoln Bank Tower, stated that this is a two step process. He stated that they have filed a petition to rezone and a primary development plan. He stated that at the request of Mrs. Brandenburg and the staff of the Commission they have incorporated her property and the area which is presently known as Laverne Plaza into the requested zoning of B-2-C. He stated they have done so in order to make a more uniform plan for the whole area and to eliminate certain sections that would perhaps overlap other areas.

Wil Smith questioned if there is a possibility for residential growth in the areas presently zoned R-1 and have they identified the exact project that would be going into the newly zoned area.

Mr. Knapke stated that in his opinion no residential development would occur in the existing R-1 zoning classification due to its close proximity to the B2C district. He stated as far as what is proposed for the property south of the currently developed land they do have additional retail development planned. He stated that they do not have any set plans and that he generally did not submit that information until the secondary development plan is submitted.

Steve Smith stated that the primary development plan is basically what is presently existing.

Mr. Knapke stated that it is, but there is some additional construction. He stated that 7 of the structures presently exist. He stated that the new development already proposed is the construction of a new 57,000 sq. ft. supermarket as well as 9,000 sq. ft. drug store. He stated that they have also



Robert Hutner suggested that the neighbors meet with the developer prior to the business meeting and discuss the plans.

Chet Bowman stated in rebuttal that they were only aware of one person being in opposition to the project. He stated though that they are very willing to meet with the neighbors and discuss their plans.

Mr. Knapke stated that with the new areas rezoned they feel they would be able to move the development further to the west which would open up and create a better plan for the whole area.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning and primary development plan.



BILL NO. Z-90-04-08

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON  
DAVID C. LONG, VICE CHAIRMAN  
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON \_\_\_\_\_ REGULATIONS \_\_\_\_\_ TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) \_\_\_\_\_ amending the City  
of Fort Wayne Zoning Map No. R-14  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~) \_\_\_\_\_

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Janet G. Bradbury*  
*C. R. Edmonds*  
*Samuel J. Talarico*  
*David C. Long*  
*Mark E. Schmidt*  
*Paul C. Edmonds*

DATED:

5-22-90.

Sandra E. Kennedy  
City Clerk

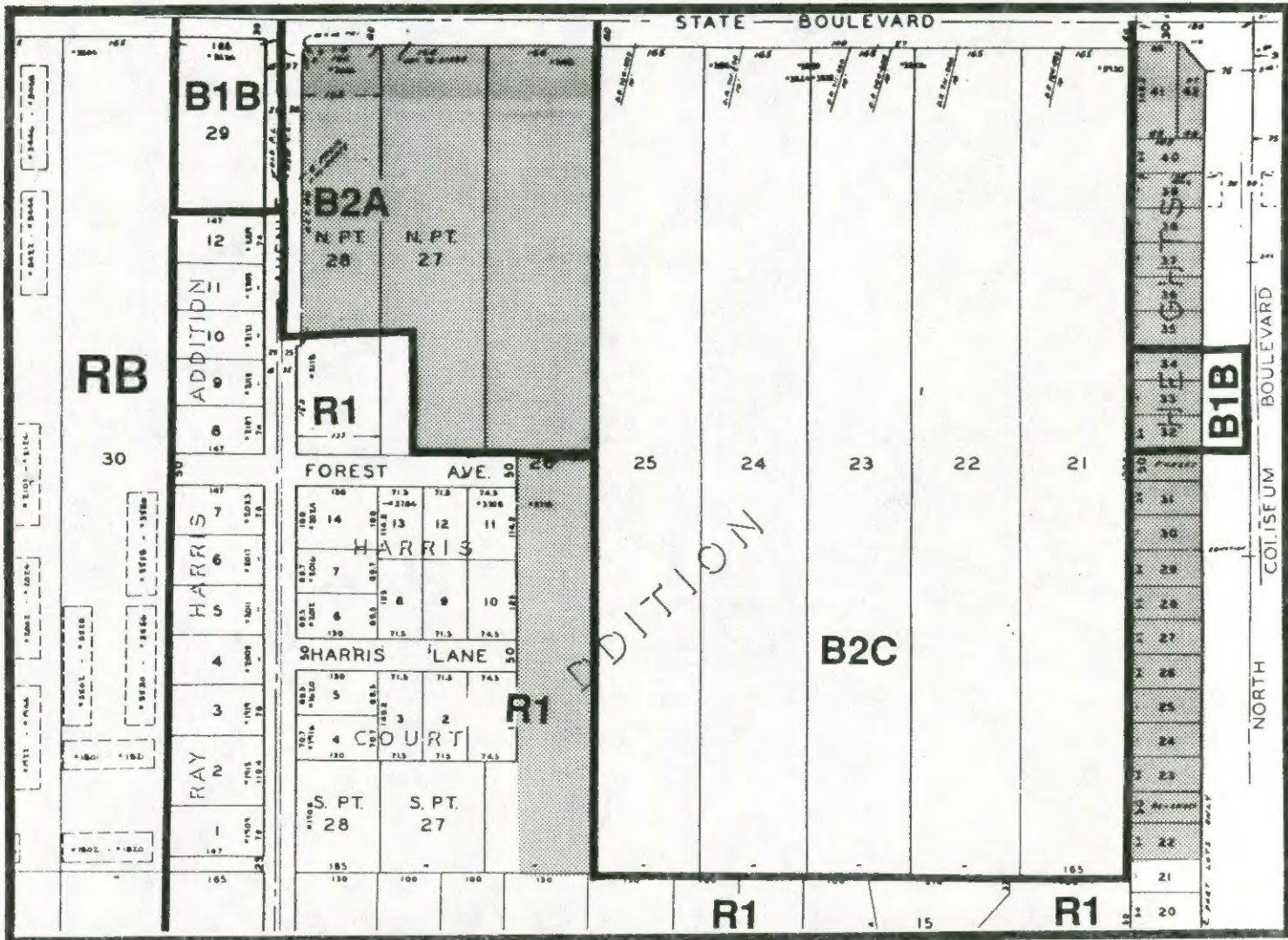


# REZONING PETITION

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R1, B1B & B2A DISTRICT TO A B2C DISTRICT.

MAP NO. R-14

COUNCILMANIC DISTRICT NO. 2



## ZONING:

R1 RESIDENTIAL DISTRICT

B1B LIMITED BUSINESS "B"

B2A NEIGHBRHD SHOPPING CENTER

## LAND USE:

☐ SINGLE FAMILY

☐ COMMERCIAL

LW

SCALE: 1"=250'

DATE: 3-22-90